

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) Case No. 12-48396-399
JAMES M. WATFORD, SR.,) Honorable Barry S. Schermer
) Chapter 7
)
Debtor.) **MOTION TO COMPEL TURNOVER**
)
) Hearing Date: May 8, 2013
) Hearing Time: 2:00 p.m.

MOTION TO COMPEL TURNOVER

COMES NOW David A. Sosne, duly appointed Chapter 7 Trustee herein, and for his Motion to Compel Turnover (“Motion”), respectfully states to this Honorable Court as follows:

1. This Court has jurisdiction over the subject matter of these proceedings pursuant to 28 U.S.C. §§ 1334, 151, and 157, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.
2. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E), and (O), which the Court may hear and determine.
3. David A. Sosne (“Trustee”) is the duly appointed and acting Chapter 7 Trustee in bankruptcy for the estate of James M. Watford, Sr. (“Debtor”).
4. On or about August 28, 2012, Debtor filed her Voluntary Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code, which is presently pending in this judicial district as Case No. 12-48396-399.
5. Pursuant to 11 U.S.C. § 521, 11 U.S.C. § 542, and Rule 4002 of the Federal Rules of Bankruptcy Procedure, the Debtor is obligated to cooperate with the Trustee in the administration of the estate and to surrender to the Trustee all property of the estate, including assets, documents, papers, records, and information relating to the property of the estate.

6. Trustee brings this Motion requesting that this Court enter an Order directing the Debtor to turnover \$3,343.25, which is an amount equal to the estate's non-exempt pro rata share of Debtor's tax refunds and petition date bank account balance, within ten (10) days of the entry of said Order.

7. Trustee requested the foregoing by letter on March 12, 2013, March 26, 2013, March 29, 2013 and April 2, 2013.

8. At present, Debtor has not responded to the Trustee's requests.

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter an Order compelling the Debtor to turnover \$3,343.25, which is an amount equal to the estate's non-exempt pro rata share of Debtor's tax refunds and petition date bank account balance, within ten (10) days the entry of said Order; and for any other and further relief as is proper.

Respectfully Submitted,
SUMMERS COMPTON WELLS PC

Date: April 11, 2013

By: /s/ Brian J. LaFlamme
Brian J. LaFlamme, (#49776MO)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Trustee
United States Department of Justice
111 South Tenth Street, Suite 6353
St. Louis, MO 63102

James M. Watford, Sr.
12470 Shoreside Dr.
Florissant, MO 63033

Wells Fargo Home Mortgage
8480 Stagecoach Circle
Frederick, MD 21701

James C. Robinson
Critique Services
3919 Washington Blvd.
St. Louis, MO 63108

Irwin Home / Green Tree
12677 Alcosta Bv Suite 500
San Ramon, CA 94583

Date: April 11, 2013

/s/ Marquita Monroe